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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 RANDELL EMBRY,

11 Plaintiff,

12 v.

13 PIERCE COUNTY DETENTION  
14 CORRECTIONS CENTER, *et al*,

15 Defendants.  
16

Case No. C09-5276 FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
DISMISSING FRIVOLOUS  
COMPLAINT PURSUANT TO  
28 U.S.C. § 1915


17 This matter comes before the Court on the recommendation of the magistrate Judge that Plaintiff's  
18 civil rights complaint be dismissed as frivolous pursuant to 28 U.S.C. § 1915. As detailed in the Report  
19 and Recommendation, Plaintiff has twice been informed of the deficiencies in his complaint and has  
20 failed to cure the deficiencies. When an *in forma pauperis* complaint is frivolous, fails to state a claim, or  
21 contains a complete defense to the action on its face, the Court may dismiss the complaint before service  
22 of process under 28 U.S.C. § 1915(d). Noll v. Carlson, 809 F.2d 1446, 1448 (9<sup>th</sup> Cir. 1987).

23 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L.  
24 Strombom, and the remaining record, does hereby find and ORDER:

- 25 (1) The Court adopts the Report and Recommendation;
- 26 (2) Plaintiff's complaint is **DISMISSED**;
- 27 (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count  
28 this as a dismissal under **28 U.S.C. § 1915(g)**; and

1 (4) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. Karen L.  
2 Strombom.  
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4 DATED this 23<sup>rd</sup> day of November, 2009.  
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9 FRANKLIN D. BURGESS  
10 UNITED STATES DISTRICT JUDGE  
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